

JUDGE PARKER'S RULING.

The Case of the Library Association
Against the City.

NEW LIBRARY FUND.

Judge F. W. Parker, who rendered decision yesterday in the case of the Albuquerque Public Library Association against the City of Albuquerque and O. N. Marron, mayor, was seen at his room at Sturges' European last night and from him the following facts relative thereto were obtained:

"A demurrer was interposed by the defendants raising the points that the plaintiffs had no adequate remedy at law and consequently could not invoke the aid of court of equity; also that there was a misjoinder of causes of action. The bill prayed for the restoration of the books and as well as injunction against the diversion of funds by the city to other purposes than that of the library association."

"These were the two principal points and both points were overruled. The demurrer was overruled as to the first point upon the theory that the plaintiffs have an adequate remedy at law, the remedy by replevin being inadequate to restore the property which is necessary for the performance of plaintiff's public functions. The other point was overruled for the reason that both demands of the plaintiff arise out of the same subject of action."

Continuing, Judge Parker stated: "In the afternoon (yesterday) the hearing was continued upon a motion to strike out portions of the answer of the defendants, which had been filed after the ruling on demurrer. This motion was sustained in part and the answer was overruled in part, and the plaintiff will either demur or reply to the answer within a few days."

"This leaves the case with a preliminary mandatory injunction in force for the redelivery of the books to the plaintiffs, the Albuquerque Public Library Association. The books were placed on wagons and carried back to the room in the Commercial club building from whence they were taken a short time ago. It is presumed that this library will be in good running order in a few days."

GATHERING IN FUNDS.
Mayor Marron, proceeding that Col. Terry was doing his work in good condition, and in accordance with his instructions, turned his attention to the more important matter—that of securing a fund for the new library building. The following list of subscribers has been obtained:

First National Bank	\$100.00
J. C. Leonard	100.00
O. N. Marron	100.00
A. B. McMillen	100.00
J. P. Lundy	100.00
Wickstrom & Appleton	100.00
Cath	100.00
Hughes & McClellan	100.00
E. W. Dobson	100.00
Brookmeyer & Cox	100.00
T. C. Beattie	100.00
Chas. Whiting	100.00
John MacQuade	100.00
A. J. Mayo	100.00
O. A. Mason & Co.	100.00
John Tasher	100.00
J. W. Johnston	100.00
J. M. Wilson	100.00
L. W. Albert	100.00
Edward Lemble	100.00
R. Rupp	100.00
T. J. Shink	100.00
J. L. Trimble	100.00
O. W. Strong	100.00
J. L. Hill & Co.	100.00
John H. Stingle	100.00
H. H. Hulton	100.00
John Jose Mark	100.00
Mandell & Grunfeld	100.00
B. Cooper	100.00

The above subscriptions amount to \$1,127, pretty good work for only one hour, and the committee intends to make the total amount reach the handsome sum of \$5,000. The citizens will publish list of subscribers every Saturday afternoon.

The petition handed to the signers reads as follows:

"Whereas, the books and furniture turned over to the city by the action of a majority of the members of the Albuquerque Library Association have been returned, said association by order of the court;

"Now, therefore, we, the undersigned, hereby subscribe and agree to pay to the city of Albuquerque the sums set opposite our respective names to replace said property so returned with new books and furniture upon condition that said city shall own and conduct said library."

CITY LIBRARY SUBSCRIPTIONS.
At 1 o'clock to-day the city library subscriptions aggregated \$1,580. Nearly everybody in the city is subscribing liberally. Let's have a first-class city library.

"ODO COSTE" ONE.
A Rich Deposit Discovered by D. F. Gutter in the Sand.

B. F. Gutter, an old miner who is working some promising claims in the Santa Fe district of the mountains east of the city, is here to-day and called at this office, exhibiting a piece of ore which he called "odo coste." The ore, says Mr. Gutter, contains silver and gold, but a larger per cent of silver averaging about 500 ounces to the ton. The ore is taken from his Masco mine,

which he has developed to a depth of about 250 feet, and he has about 200 tons of the same kind of ore on the dump, assaying at least \$200 to the ton. "This is the third time to my knowledge," said Mr. Gutter, "that odo coste has been discovered—once in the Ural mountains of Europe, at one place in Colorado and now in the Santa Fe district of New Mexico."

Chinaman Dead.
Soon Lee, aged 45 years, died at his room in an old adobe back of the opera house this afternoon, from acute pneumonia, and will be buried by the Chinese here to-morrow afternoon, the funeral service to be held at 2 o'clock. Burial will take place in Fairview cemetery.

Council Meeting.
The city council held a special meeting this afternoon at Mayor Marron's office. Library matters were discussed.

THE ARCHEOLOGICAL SOCIETY.
The Reading Course continued by President E. L. Hewitt.

The following is the reading for the archaeological class, as outlined by President E. L. Hewitt, for December at Santa Fe. The books are at the historical library.

Beginnings of Architecture—First, Home and Home Life of the American Aborigines (Morgan), chapters 4, 5, 6, 7, 8, 9, 10, 11, 12. Second—The Cliff Dwellers and Pueblos (Prest), chapters 10, 11, 12, 13. Third—Homes of the Bobino (Bous). Sixth Annual Report, Bur. of Ethnology, pp. 529-535. Fourth—A Study of Pueblo Architecture (Mindeloff), Eighth Annual Report, Bur. of Ethnology.

MIND GIVES WAY.
Mrs. George Henry, of 133 Chandler street, mother of Dr. Henry, who is being held for trial for the murder of his son, died yesterday at her home.

Mr. Henry's Mother Breaks Down Under Strain of Grief.
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ORDER COMPLIED WITH.
Early this morning Mayor Marron, who was in the Commercial club building, was served with a writ of habeas corpus by the city attorney, Col. Terry, who was in evidence at the new library building (the Raynolds' building) where the books were taken a short time ago. It is presumed that this library will be in good running order in a few days.

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REPENTANT LAS VEGAS.
San His Frisky Wife Jailed and Now She Wants Her Released.

Rafael Romero, of Joya Larga, says the Las Vegas woman who was taken to jail and is now in the city, is a very good woman and caused her conviction at the recent term of the federal court. Rafael frankly avows that it is no light chore for him to have to maintain a collection of children, especially when he attempts to nurse the youngest kid, and he is pining for the wife of his bosom. First he tried to do the deed to his wife, but she would not have it. He then tried to get her to go with him to the good graces of the court and have his spouse released, notwithstanding the platonic tendency of her intense affection. Failing in this, Rafael has made a proposition to serve the remainder of his wife's sixty-day term, and let her go home to care for the children. The officers can see no legal way in which Mrs. Romero can serve her sentence by proxy, and Rafael is perched on the ragged edge of despair.

OFFICIAL NOTES.

Annual School Reports—Sheep Must Be Excluded From Forest Reserves.

TERRITORIAL FUNDS RECEIVED.

PENSIONS GRANTED.

NOTARY APPOINTED.

A REQUISITION.

LEASES APPROVED.

A GRAZING ORDER.

ANNUAL SCHOOL REPORTS.

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CENTENNIAL CELEBRATION.

STIFF POKER GAME.

LAS VEGAS.

FROM THE OPTIC.

PARADES POST SYSTEM.

POSTAL DEFICIENCY.

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